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**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit  
Chapter 11

**TRUSTEE'S MOTION FOR ORDER  
ENLARGING TIME TO OPPOSE  
MOTION FOR APPROVAL OF  
CONDOMINIUM SALE**

**Tele. Hearing on Principal Relief**

Date: September 22, 2020  
Time: 10:30 a.m. PT  
Telephone: 509-353-3183

Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the “Trustee”), hereby moves (the “Rule 9006 Motion”) the Court pursuant to U.S.C. § 105, Rule 9006 of the Federal Rules of Bankruptcy Procedure and Rule 2002-1 of the Local Bankruptcy Rules of the above-captioned court for an Order, in the form attached hereto as Exhibit A, extending the time to object to the *Chapter 11 Trustee's Motion for Order: (i) Approving the Sale of Condominium,*

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1           (ii) *Granting Authority to Pay All Closing Costs and (iii) Related Relief* (the “Sale  
2           Motion”)<sup>1</sup> [Doc 678], filed on August 20, 2020. This Rule 9006 Motion is  
3           supported by the *Amendment and Supplement to Chapter 11 Trustee’s*  
4           *Condominium Sale Motion* (the “Addenda”), and the declaration of Mark D.  
5           Waldron (“Waldron Declaration”) in support of the Rule 9006 Motion, filed  
6           herewith.

7           By this Rule 9006 Motion, the Trustee respectfully requests that the Court  
8           extend by four days the deadline of interested parties to respond to the Sale  
9           Motion. The new deadline would be moved from Monday, September 14, 2020 to  
10          Friday, September 18, 2020. Objections to this Rule 9006 Motion would be due at  
11          the telephonic hearing on the Sale Motion, which is scheduled for Tuesday,  
12          September 22, 2020 at 10:30 a.m. PT.

13           Typically, a party asks to extend one’s own deadline – not the deadline of  
14          other parties. However, here, the Trustee is asking to extend the deadline of  
15          interested parties to object to the Sale Motion. Pursuant to the Addenda, the date  
16          to close the Sale is extended from September 30, 2020 to October 30, 2020. *See*  
17          Addenda, Exhibit 1. Further, the Purchase Price of the Condo is reduced from  
18          \$315,000 to \$277,500. *See* Addenda, Exhibit 2.

19           As set forth in the Waldron Declaration, the Buyers have informed the  
20          Trustee that their prospective lender denied their financing application after  
21          learning of litigation between the Condo’s Homeowners’ Association and the

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22           <sup>1</sup> Unless otherwise defined herein, capitalized terms have the meanings ascribed to  
23          them in the Motion.

1 developer and after asserting certain construction defects in the Condo. The  
2 Buyers have applied for financing with a different lender but will only purchase  
3 the Condo for \$277,500.

4 Before the Addenda, the sale would have triggered an administrative claim  
5 in favor of David Carlson of \$25,000, pursuant to the Court-approved settlement  
6 with Carlson. Thus, the net price would have been approximately \$290,000,  
7 excluding fees and taxes. (The administrative claim would have been paid *pro*  
8 *rata* with other administrative and therefore not necessarily in full.) The new price  
9 of \$277,500 does not trigger the administrative claim. Therefore, the net price  
10 reduction is approximately \$13,500, excluding fees and taxes.

11 Pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedures, the  
12 Court may extend a deadline for cause “with or without motion or notice” so long  
13 as the request is made before the deadline has expired. Fed.R.Bank.P. 9006(b). In  
14 this case the deadline to object is currently set for September 14, 2020. It has not  
15 expired.

16 Extending the objection deadline while keeping the same hearing date  
17 would provide extra time for interested parties to consider these revisions while  
18 also allowing the estate to preserve the opportunity to close this Sale. The Trustee  
19 has not received a better offer and does not believe that keeping the Condo on the  
20 market will result in a higher price in light of the litigation and construction  
21 problems.

22 The bidding procedures will remain the same other than that the starting  
23 price will be \$277,500.

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The Trustee intends to serve upon the MML, notice ("Notice") of this Rule 9006 Motion and of the Addenda in substantially the form attached hereto as Exhibit A.

WHEREFORE, the Trustee requests entry of an Order;

1. Granting this Rule 9006 Motion;
  2. Enlarging the time for interested parties to respond to the Sale  
on by four days – from September 14, 2020 to September 18, 2020;
  3. Finding that the form and manner of Notice as proposed herein is  
r and sufficient;
  4. Granting such other and further relief as the Court deems appropriate.

Dated: September 10, 2020

POTOMAC LAW GROUP PLLC

By: */s/ Pamela M. Egan*  
Pamela M. Egan (WSBA No. 54736)

*Attorneys for Mark D. Waldron, Chapter 11  
Trustee*  
4848-4094-9706, v. 2

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